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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,410	11/06/2000	Dan H. Nowlin	42390.P8182	9953

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EXAMINER
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ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/707,410	<b>Applicant(s)</b> NOWLIN, DAN H.	
	<b>Examiner</b> Kaveh Abrishamkar	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the communication received on September 23, 2004. Claims 1 – 24 were originally received for consideration. Per the received response, no claims have been cancelled, amended or added. Claims 1 – 24 are currently being considered.

### ***Response to Arguments***

2. Per the received response, the applicant states that the current application 09/707,410 was filed after November 29, 1999, and that the subject matter disclosed in the cited prior art (CPA), Silvester (U.S. Patent No. 6,631,469), were, at the time the invention was made, subject to the same assignment as the immediate application. Therefore, the applicant's request to withdraw Silvester as a CPA has been acknowledged and granted. Accordingly, a new grounds of rejection is given below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 11-13, 15-20, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su (U.S. Patent No. 6,219,721).

Regarding claim 1, Su discloses:

A computer system comprising:

“a first memory subsystem to store a full operating system (OS) and a mini operating system” (Figure 1, column 2 lines 43-60);

“a mechanical switch having a first state and a second state” (Figure 1, item 900, column 2 lines 49-54);

“a first circuit to execute a boot code and to determine a state of the mechanical switch at power-on” (column 3 lines 1 – 7); and

“a second circuit to boot the full OS as a primary OS of the computer system if the first circuit determines that the mechanical switch is in the first state at power-on and to boot the mini OS as the primary OS of the computer system if the first circuit determines that the mechanical switch is in the second state at power-on” (column 3 lines 1-7).

Su does not explicitly disclose a “mini OS.” However, Su mentions that the computer has different operating systems, which are selected by a selection switch. Furthermore, a “mini OS” can be interpreted as an older version of an operating system which has less features and is smaller than the new version, such as MS-DOS 4.0 or DOS 3.0, as mentioned by Silvester (column 1 lines 25-32). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to select between an

older OS version with less features (mini OS) and a newer version of the OS (full OS) by using a mechanical switch, to avoid reinstallation (column 1 lines 40-51).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Su discloses:

The computer system of claim 1, further comprising "a storage location to store a pointer to a default OS" (column 2 lines 43-60).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Su discloses:

The computer system of claim 2, wherein "the mechanical switch has a third state, the second circuit to boot the default OS as the primary OS of the computer system if the first circuit determines that the mechanical switch is in the third state at power-on" (column 3 lines 1 – 7).

Claim 4 is rejected as applied above in rejecting claim 2. Furthermore, Su discloses:

The computer system of claim 2, wherein "the mechanical switch has a third state and a fourth state, the second circuit to boot the full OS as the primary OS of the computer system and to make the full OS the default OS if the first circuit determines that the mechanical switch is in the third state at power-on, and to boot the mini OS as the primary OS of the computer system and to make the mini OS the default OS if the first circuit determines that the mechanical switch is in the fourth state at power on" (column 3 lines 1-7).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Su discloses:

The computer system of claim 1, wherein “the circuit includes a processor, and the second circuit includes the processor and a second memory subsystem into which at least a portion of the full OS or the mini OS is loaded if the mechanical switch is in the first state or the second state, respectively, at power-on” (column 3 lines 1-7).

Claim 6 is rejected as applied above in rejecting claim 3. Furthermore, Su discloses:

The computer system of claim 3, wherein “the first circuit includes a processor, and the second circuit includes the processor and a second memory subsystem into which at least a portion of the full OS or the mini OS is loaded if the mechanical switch is in the first state or the second state, respectively, at power-on” (column 3 lines 1-7).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Su discloses:

The computer system of claim 1, wherein “the mechanical switch is a power switch” (Figure 1, item 900, column 2 lines 49-54).

4. Claims 11-13, 15-20 are method claims analogous to the system claims rejected above, and therefore, are rejected following the same reasoning.

5. Claims 21-23 are computer-readable medium claims analogous to the system claims rejected above, and therefore, are rejected following the same reasoning.

6. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su (U.S. Patent No. 6,219,721) in view of Lee (U.S. Patent No. 6,327,653).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Su discloses:

The computer system of claim 1. Su does not explicitly disclose "wherein the mechanical switch is a keyboard." Lee discloses a system wherein a user selects an operating system from a plurality of operating systems by using a keyboard connected to the keyboard controller and depressing one of a plurality of keys (column 7 lines 61-64). Su and Lee are analogous arts in that both teach methods of switching between a plurality of operating systems, one by a manual switch and the other by use of a keyboard. The button detector and system of switching between operating systems can be implemented on the system of Su by using the button detector, which communicates with the CPU to select the loading of the selected operating system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the keyboard as the mechanical switch to switch between operating systems to provide a system capable of "easily changing its operating system" (Lee column 4 lines 43-51).

Claim 14 is rejected as applied above in rejecting claim 11. Furthermore, Su discloses:

The method of claim 11. Su does not explicitly disclose "wherein the mechanical switch is a keyboard." Lee discloses a system wherein a user selects an operating system from a plurality of operating systems by using a keyboard connected to the keyboard controller and depressing one of a plurality of keys (column 7 lines 61-64). Su and Lee are analogous arts in that both teach methods of switching between a plurality of operating systems, one by a manual switch and the other by use of a keyboard. The button detector and system of switching between operating systems can be implemented on the system of Su by using the button detector, which communicates with the CPU to select the loading of the selected operating system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the keyboard as the mechanical switch to switch between operating systems to provide a system capable of "easily changing its operating system" (Lee column 4 lines 43-51).

7. Claims 9-10, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su (U.S. Patent No. 6,219,721) in view of Flanagan (U.S. Patent No. 6,128,661).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Su discloses:

The computer system of claim 1. Su does not disclose "wherein the full OS takes at least ten times longer to boot than the mini OS, and the full OS is at least ten times the size of the mini OS." Flanagan discloses using an Windows CE operating system in portable units. The Windows CE operating systems is a subset of the full Windows



operating system and “may not have as many functions” (column 1 lines 28-40), and is designed for use on computers with less memory. Flanagin does not explicitly state that the mini OS is both ten times faster to load and is ten times smaller, but it would have been obvious that since the Windows CE software is designed for applications such as PDAs that it is much smaller and therefore, would load much faster on a PC. Therefore, it would have been obvious to use a Windows CE and a full Windows OS as the two possible selections in the operating system selection system of Su so that if the user just wanted to use “word processing, spreadsheet program, personal money managers and games” (column 1 lines 33-35), the user could just select the Windows CE, and if the user wanted to use all the functionality, the user could load the full OS. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Windows CE of Flanagin in conjunction with the operating system selector of Su to allow the user to conserve power and time if the user just needs the operating system to perform simple tasks as described above.

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Su does not disclose “wherein the mini OS is a subset of the full OS.” Flanagin discloses using an Windows CE operating system in portable units. The Windows CE operating systems is a subset of the full Windows operating system and “may not have as many functions” (column 1 lines 28-40), and is designed for use on computers with less memory. Flanagin does not explicitly state that the mini OS is both ten times faster to load and is ten times smaller, but it would have been obvious that since the Windows CE software

is designed for applications such as PDAs that it is much smaller and therefore, would load much faster on a PC. Therefore, it would have been obvious to use a Windows CE and a full Windows OS as the two possible selections in the operating system selection system of Su so that if the user just wanted to use "word processing, spreadsheet program, personal money managers and games" (column 1 lines 33-35), the user could just select the Windows CE, and if the user wanted to use all the functionality, the user could load the full OS. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Windows CE of Flanagin in conjunction with the operating system selector of Su to allow the user to conserve power and time if the user just needs the operating system to perform simple tasks as described above.

8. Claim 24 is a computer-readable medium claim analogous to the system claim rejected above, and therefore, is rejected following the same rationale.


**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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03/16/05

  
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